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Attorney for the Defendant Phillip Dobbins

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA)
)
Plaintiff,) Criminal No. 21-CR-128-F
)
v.)
)
Phillip Dobbins)
)
Defendant.)

DEFENDANT'S MOTION TO CONTINUE TRIAL

COMES NOW, the Defendant, Phillip Dobbins, by and through Counsel, Christopher Humphrey of Humphrey & Associates, P.C., hereby moves the court for an order continuing the jury trial in this matter scheduled for March 14, 2022, for the following reasons:

1. Counsel has received 26 gigabytes of new discovery.
2. Counsel and co-counsel mentee, Brian Quinn are evaluating the discovery provided.
3. Counsel would like additional time to review this data and discuss it with the Client in preparation for the trial.
4. Defendant has been contacted and consents to a continuance.
5. Counsel for the United States Attorney's Office, Timothy J. Forwood, does not object.

Counsel for the Defense would request additional time for preparation, and failure of this Court to grant a continuance will deny counsel for the Defendant "the reasonable

time necessary for effective preparation, taking into account the exercise of due diligence."§3161(h)(7)(iv). The periods of delay that may be excluded under the Act are found at § 3161(h)(1)-(8). "The Speedy Trial Act is designed to protect a criminal defendant's constitutional right to a speedy trial and serve the public interest in bringing prompt criminal proceedings." *United States v. Toombs*, 574 F.3d 1262, 1268 (10th Cir. 2009). The Defense requests that this Court exercise its discretion to approve a continuance pursuant to § 3161(h)(7)(A).

"Delays attributable to the defendant do not weigh against the government." *United States v. Hicks*, 779 F.3d 1163, 1168 (10th Cir. 2015) (*citing United States v. Abdush-Shakur*, 465 F.3d 458, 465 (10th Cir. 2006)). The Defendant is not pursuing a swift resolution in this matter, and in fact prefers a continuance of the hearing Counsel review discovery. The speedy trial act is designed to protect against "oppressive pretrial incarceration; minimizing anxiety and concern of the accused; and limiting the possibility that the defense will be impaired." *United States v. Kalady*, 941 F.2d 1090, 1095 (10th Cir. 1991) (*citing Barker v. Wingo* , 407 U.S. 514, 532 (1972)).

The district court may exclude from speedy trial calculation "any period of delay resulting from a continuance granted ... if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). Several, nonexclusive factors are included under 18 U.S.C. § 3161(h)(7)(B) for the court to consider when granting a continuance under 18 U.S.C. § 3161(h)(7)(A), including "[w]hether the failure to grant such a continuance ... would unreasonably deny the

defendant or the Government continuity of counsel, or *would deny counsel for the defendant* or the attorney for the Government the *reasonable time necessary for effective preparation*, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).

WHEREFORE the Defendant respectfully asks the court to consider 18 U.S.C. § 3161(h)(7)(B)(iv) and grant reasonable continuance of at least thirty (30) days to review additional discovery in preparation for trial.

Respectfully submitted this February 28, 2022.

Christopher Humphrey
Counsel for Phillip Dobbins

By:

/s/ Christopher Humphrey
Christopher Humphrey
Humphrey & Associates, P.C.

CERTIFICATE OF SERVICE

I, hereby certify that on February 28, 2022, I electronically served *Defendant's Motion to Continue Trial* on the CM/ECF System and have served upon all counsel of record a copy of the foregoing document by uploading the document into the electronically filing system, which automatically causes an email notification to be sent to all counsel of record in the case.

Timothy J. Forwood

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Brian Quinn

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/s/ Christopher Humphrey
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